

**REMARKS**

Claims 1-21 are pending with claims 18-21 withdrawn from consideration. Claims 1, 12, 14, 17 and 18 are amended. The amendments to claims 12 and 17 correct informalities having no bearing on patentability. Claim 2 is cancelled without prejudice to or disclaimer or the subject matter found therein.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Chu in the April 11, 2005 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

In paragraph 1, on page 1 of the Office Action, the withdrawal of claims 18-21 has been made final on the basis of the computer program being a written text stored in electronic format not being a position detecting device.

True, a computer readable medium storing a program is not itself a position detecting device. However, such a program is a part of a position detecting device as it controls the hardware components. The actions performed by the device and the actions controlled by the program stored in the medium are sufficiently related that they should be considered together. Failure to do so introduces an unnecessary burden on both the Patent Office and on Applicants. Thus, it is again requested the Restriction Requirement be withdrawn.

In paragraph 3, on page 2 of the Office Action, claims 1-17 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Dodt et al., U.S. Patent No. 5,369,532 (Dodt). The rejection is respectfully traversed.

Applicants' invention of claim 1 calls for a discontinuous position detecting device for detecting an actual discontinuous position between recording contents recorded on a recording medium, comprising a scanning unit that scans the recording medium in a first direction and in a second direction that is opposite to the first direction; a first detecting unit that detects a temporary discontinuous position located in a vicinity of the actual

discontinuous position while the scanning unit scans the recording medium in the first direction; a second detecting unit that detects the actual discontinuous position while the scanning unit scans the recording medium in the second direction; and a scan controller that controls the scanning unit to scan the recording medium at a first scan speed except while the second detecting unit detects the actual discontinuous positions, and to scan the recording medium at a second scan speed while the second detecting unit detects the actual discontinuous position, the second scan speed being slower than the first scan speed.

Applicants' claim 14 calls for a method for detecting an actual discontinuous position between recording contents recorded on a recording medium, the method comprising scanning the recording medium in a first direction at a first scan speed; detecting a temporary discontinuous position located in a vicinity of the actual discontinuous position, while scanning the recording medium in the first direction at the first scan speed; scanning the recording medium in a second direction that is opposite to the first direction at the first scan speed up to a vicinity of the temporary discontinuous position; scanning the recording medium in the second direction from the vicinity of the temporary discontinuous position at a second scan speed, the second scan speed being slower than the first scan speed; and detecting the actual discontinuous position, while scanning the recording medium in the second direction at the second scan speed. Claim 18, which is similar to claim 14, is amended in the same way. Dodt discloses no such language.

All claims of Applicants require scanning in a first direction at a first scan speed and scanning in a second direction that is opposite to the first direction at the first scan speed up to the vicinity of the temporary discontinuous position, and then scanning in the second direction from the vicinity of the temporary discontinuous position or while detecting the discontinuous position at a second scan speed, the second scan speed being slower than the

first scan speed with the actual discontinuous position being identified during scanning in the second direction.

As agreed at the interview, Dodt says nothing about scanning in a second scanning direction opposite to the first scanning direction. In fact, Dodt is directed to putting magnetic headers on a tape medium that allow search in, apparently, one direction (see Figs. 2 and 7 showing one direction). To search Dodt's apparatus uses the servo control track 202 to move at a high speed search 100 times normal recording speed to within one scan group that contains the data record that is requested (col. 10, lines 8-12). Dodt indicates that this is a much finer resolution than can be obtained by using a simple but less accurate distant measurement employed by prior art tape drives. Dodt also discusses using a time code track 201 that can be used to uniquely identify each scan group 700. The longitudinal time code track 201 can be read at a higher tape speed, 60 times a normal recording speed than can locate the information that uniquely identifies each scan group 700 on the magnetic tape which are the objects of the search. The scan groups 700 also contain time data such as found in the longitudinal time code track. Thus, by using either the longitudinal time code track at 60 times normal recording speed or the longitudinal control track at 100 times normal recording speed, the system can rapidly move to a desired data block (col. 9, lines 52-66).

Further, nowhere does Dodt say anything about moving in a first direction at a first speed, moving in a second direction at the first speed until actual detection starts taking place and then moving at a second speed until the actual point is detected. Rather Dodt only describes a more rapid method of moving to an initial position that is close to the desired position. Therefore, Dodt does not literally disclose each and every feature of the claimed invention and a rejection under 35 U.S.C. §102 is inappropriate. Likewise, Dodt does not suggest the claimed invention for the reasons discussed. Additionally, Dodt does not disclose or suggest claims 2-13 and 22 which depend from claim 1 or claims 15-17 which depend

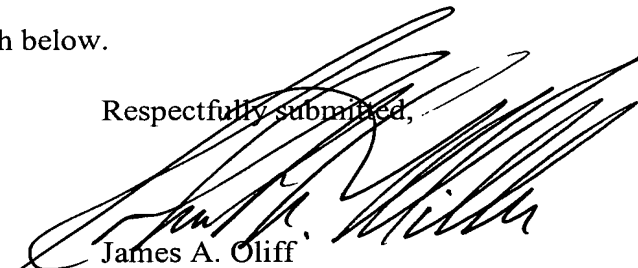
from claim 14 for all the reasons discussed with respect to claims 1 and 14 and for the additional features recited therein. Therefore, it is respectfully requested that the rejection be withdrawn.

As discussed at the interview, claims 18-21 should be rejoined, examined and allowed because the programs described are embedded in a recording medium.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-17 and 22, as well as the rejoining and allowance of claims 18-21, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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